

September 11, 2014

Mr. Kevin Anson, Chairman
Gulf of Mexico Fishery Management Council
2205 North Lois Avenue, Suite 1100
Tampa, Florida 33607

Ben Hartig, Chairman
South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405

Dr. Roy Crabtree
Regional Administrator
NOAA Fisheries Service
Southeast Regional Office
263 13th Avenue South
Saint Petersburg, Florida 33701

RE: Standardized Bycatch Reporting Methodology

Dear Mr. Anson, Mr. Hartig and Dr. Crabtree:

We are writing on behalf of Oceana to encourage the South Atlantic and Gulf of Mexico Fishery Management Councils (SAFMC and GMFMC) to take action to develop and establish a Standardized Bycatch Reporting Methodology (SBRM) for the fisheries under the Councils' jurisdiction. As other regions in the country can attest, an SBRM is a critically important tool for fisheries managers to assess the performance of fisheries, take action to mitigate bycatch, and improve fisheries management.

Congress recognized the value of bycatch data collection and reporting to facilitate modern fisheries management in the 1996 Sustainable Fisheries Act (SFA). A *requirement* to establish an SBRM in all fishery management plans (FMPs) to "establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery¹" was added by the SFA nearly 18 years ago.

Despite this clear requirement, currently there is no legally-compliant SBRM in place in the Southeast region. As a result, the GMFMC and the National Marine Fisheries Service (NMFS) are not meeting the mandates according to the Magnuson Stevens Fishery Conservation and Management Act (MSA). More importantly, the lack of an SBRM puts you, as the managers of these fisheries, at a considerable disadvantage when trying to effectively manage these fisheries.

¹ See Magnuson-Stevens Act, 16 U.S.C. 1853(11), Required Provisions of Fishery Management Plans.

Oceana has been actively involved in the development and implementation of the Northeast Region SBRM and has learned valuable lessons about the utility of an effective SBRM. After a careful review of the data associated with the fisheries of the SE region, it is clear that your Councils will benefit from a robust regionally based Southeast Region SBRM and the periodic reports provided by this management tool. To ensure this happens Oceana encourages the Councils and the agency to develop a joint Council action to establish an SBRM as a top management priority in 2015.

Oceana looks forward to participating as a stakeholder and resource in the Council process when this critical action is initiated.

A practical need for SBRM

The Agency and numerous governmental and scientific reports have long recognized that bycatch is a global problem, as well as a national problem with recent national estimates of up to 17-22% of U.S. catch discarded every year with far higher rates in many fisheries. Collectively U.S. bycatch could amount up to 2 billion pounds every year, the equivalent of the entire annual catch of many other fishing nations around the world.

The Council and the agency have taken intermittent action over the years to minimize bycatch in some fisheries. But, to effectively manage bycatch in all fisheries, managers need to understand the nature of bycatch in each fishery and account for this in their management decisions for each fishery. As the NE Region SBRM advises,

“The first step in understanding the scope and extent of any bycatch problems that may be associated with a fishery is to establish the means by which information on bycatch in the fishery can be collected.

Scientists and managers must be able to ensure that the bycatch information collection program is adequately reliable and accurate to identify and address the relevant scientific and management needs (e.g., that the lack of information on bycatch and bycatch mortality does not compromise the ability to conduct stock assessments on which to base management decisions).

Therefore, the primary purpose of bycatch reporting and monitoring is to collect information that can be used reliably as the basis for making sound fisheries management decisions.”²

Oceana agrees with this analysis wholeheartedly and encourages your Councils to seize the opportunity to build this important tool for your region in 2015.

What should an SBRM include?

The Councils have been given considerable latitude by the agency in developing SBRMs for their fisheries while achieving performance goals and supporting the goals and objectives of the

² NE Standardized Bycatch Reporting Methodology Draft at pp. 2-3.

region's FMPs³. To support these multiple goals, an SBRM should focus on the data collection and reporting needs of the fisheries of the region.

Oceana supports the Councils working with the Agency to ensure that the document that is ultimately implemented reflects the needs and realities of the fisheries of the region.

Regardless of what direction the Councils take in this action, a complete SBRM must:

- 1) **Be driven by the management and scientific needs of the respective fisheries**
- 2) **Ensure that all information is accurate, precise and timely, with standards for each criterion**
- 3) **Report bycatch data and estimates in a manner that is useful for stakeholders, managers and scientists**
- 4) **Be free of discretion and manipulation**
- 5) **Be functional at a variety of funding levels while exploring all options to fund the necessary data collection and reporting**

1) Management and Scientific Needs of each Respective Fishery

Each fishery in the SE region is managed based on the goals and objectives of the FMP with carefully tailored management measures that the Councils have deemed best for these fisheries. Each management strategy and approach, in turn, has unique data needs to support these management measures whether it is a catch share fishery, a fishery-wide TAC or other approach.

The SBRM developed by the Councils should carefully consider and discuss the data needs of each FMP and develop fishery-specific data collection and reporting alternatives that meet the management needs of these fisheries.

Related to this, each FMP should also consider the effect of SBRM data on the management of the stocks in the FMP and adjust the suggested buffers for Scientific and Management Uncertainty accordingly.

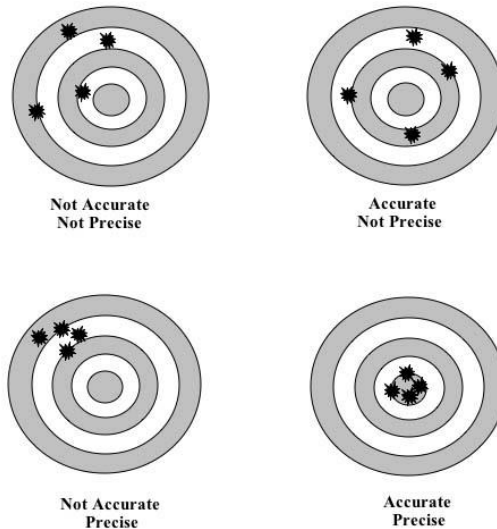
2) Accurate, Precise and Timely Information with Standards for Each Criterion

To be useful and support management needs, bycatch data must be accurate, precise and timely. Without each of these qualities, the utility of the data collection and reporting program is jeopardized. The Council and agency should take steps to ensure all bycatch data is:

Accurate and Precise- Accuracy and precision, although often used interchangeably, measure two different but very important qualities of bycatch data. Accuracy measures how close a measurement is to the true value or how much bias is in the data. Precision measures how similar measurements are to one another. As demonstrated in the figures below (lower right),

³ NMFS (National Marine Fisheries Service). 2004. Evaluating bycatch: a national approach to standardized bycatch monitoring programs. U.S. Dep. Commer., NOAA Tech. Memo. NMFSF/SPO-66, 108 p. On-line version, <http://spo.nmfs.noaa.gov/tm>

high quality data is both accurate and precise ensuring that it is free from observer bias and misreporting. If the data is precise but not accurate, it may be misleading. Similarly, if the data is accurate and not precise, it may not reflect the behavior of the fishery overall.



The Councils should include performance standards for both accuracy and precision in any SBRM and ensure that this uncertainty is explicitly accounted for in management decisions.

Timely- Similarly, it is critically important that data is collected, processed and published quickly to ensure that the data doesn't become outdated and so the data reflects the behavior and recent performance of the fisheries. In recent years the agency has published National Bycatch Reports that have used older data as the foundation of its analysis. Therefore, these reports were only useful in describing the overall trends of the fisheries.

The NE Region SBRM has proven that data can be processed and published in the course of a few months. In recent years the Agency has published summary data and analyses for the July --- June period by the following January⁴, less than six months from collection to publication. The fishery managers of the SE region will benefit from a similar turnaround and will be able to use up-to-date information to inform management decisions.

3) Report Bycatch Data and Estimates in a Manner that is Useful for Stakeholders, Managers and Scientists-

Designing a fishery sampling program to collect bycatch data on a diverse set of fisheries can be complex. This is often best assigned to those with expertise in statistical design and sampling protocols. Oceana encourages the Councils and the Agency to consult with these experts to design a sampling program that meets the performance criteria of the SBRM.

⁴ Northeast Fisheries Science Center. 2011. Standardized Bycatch Reporting Methodology Annual Discard Report 2011. Internal document. 1135 p. Available from: National Marine Fisheries Service, 166 Water Street, Woods Hole, MA. 02543-1026, or on-line at <http://www.nefsc.noaa.gov/femad/fishsamp/fsb/>

However, Oceana cautions the Councils that regardless of how the data is *collected* the Councils must require data to be *reported* in a useful format that can be connected to the management and administration of the region's fisheries. For example, sampling fisheries can be stratified by gear type and homeport, but what may be important to management is reports of the catch of each *stock* by *FMP* and *fishing area*. These are two different approaches to a similar issue but the utility of the reported data to management is significantly different. This need has recently prompted the NFMC to request SBRM reports by stock and FMP instead of gear and area⁵.

The SE regional Councils should build on the lesson learned in New England and request reports that include information that is needed for management.

4) Free of Discretion and Manipulation-

The MSA requires each Fishery Management Plan to *establish* an SBRM. It is important to note that if the Councils develop this useful and necessary tool, it should include hard guidance on how data is collected and reported, but must also be free of annual discretion at the Agency and Council levels. A strong sampling tool should be utilized, free from interference from the Councils, and should be designed to work in a variety of circumstances related to funding, fishery performance and need of the fisheries. If the program is well-designed based on the needs of the fisheries, then data manipulation isn't warranted.

5) Function at a Variety of Funding Levels

Oceana realizes that monitoring catch and bycatch can be expensive and complicated. Regardless of these facts, the data provided by an SBRM are essential to managing and conserving the fisheries of the SE region. The SBRM should include a clear method to collect data in circumstances where resources are limited and may not fully support the forecasted monitoring for the fisheries. It is important to recognize the need for data and plan accordingly, regardless of the economic realities of Agency and industry funding. The NE region has accomplished this by developing two alternative approaches to prioritizing fishery monitoring, in the event of limited resources, which are expected to achieve maximum data quality regardless of budgetary limitations. These reductions will come with additional uncertainty that must be accounted for in management but it is a rational approach to budgetary shortfalls.

Finally, a complete SE region SBRM should include a full discussion of all current and potential funding sources that could be used to support the needed data collection and reporting in a robust SBRM.

A Plan Forward-

⁵April, 2014 New England Fishery Management Council Motion to request the SBRM "provide discard estimates by FMP and by stock where possible."

Developing and implementing an SBRM may seem like a daunting task for your Councils. However, using the resources available to your Councils and the leadership of the Agency, this can and should be done in 2015. Oceana suggests the following strategy to achieve this worthy goal next year.

Joint Action- First, since this action is centered around the data collection and reporting duties of the SE Fisheries Science Center and not the Councils, this action should be regionally based and completed jointly by both the South Atlantic and Gulf of Mexico Councils as an omnibus amendment to each of the FMPs of the region. Oceana sees value in using the approach taken by the NE Councils and allowing the Agency to lead the effort with Council engagement via a sub-committee.

Duplicating tasks with separate FMP actions is unnecessary and risks inconsistent actions within and between FMPs and regions. One strong, complete action will bring the entire region into compliance with the MSA and ensure that management actions are informed by high-quality catch and bycatch information.

Build on Work done in the NE Region- The first NE region Standardized Bycatch Reporting Methodology was implemented in 2008 and has been updated and amended with a new document that is nearly ready for public comment. The NE draft document, while not perfect and lacking some critical details, is a valuable document that can inform the SE SBRM process and accelerate the development of the SE action. Oceana commends the SE Regional Office staff for initiating contact with their counterparts in the NE regarding an SMRM. Oceana encourages the Agency to foster this relationship to allow National Marine Fisheries Service resources to address the needs of multiple regions.

In sum, the task of managing the fisheries of the SE region is complicated by the lack of accurate, precise and timely bycatch data that is provided by a robust SBRM. Your Councils should take the opportunity now to improve the infrastructure that supports the work of the Councils and develop a SE regional Standardized Bycatch Reporting Methodology in 2015.

Thank you for considering these comments.

Sincerely,

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